

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

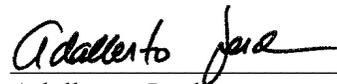
CASE NO. 07-21256-CIV-JORDAN

JOHN B. THOMPSON)
)
Plaintiff)
)
vs.)
)
THE FLORIDA BAR, et al)
)
Defendants)
_____)

ORDER DENYING VERIFIED MOTION FOR RELIEF FROM JUDGMENT

Mr. Thompson's verified motion for relief from judgment under Rule 60(b) and Rule 60(d) [D.E. 431] is DENIED. First, contrary to Mr. Thompson's repeated arguments, I was not required to recuse due to my membership in the Florida Bar. *See, e.g., Parrish v. Bd. of Commissioners of Alabama State Bar*, 524 F.2d 98, 104 (5th Cir. 1975) (*en banc*); *Lawrence v. Chabot*, 183 Fed. Appx. 442, 448-49 (6th Cir. 2006). Second, the referee assignment system cited by Mr. Thompson does not warrant relief from the judgment. It is undisputed that Judge Tunis had jurisdiction over the alleged misconduct of Mr. Thompson in matters taking place in Miami-Dade County, and the referee assignment system is silent on whether a referee who is handling a complaint against an attorney for alleged in-state misconduct can also handle (at the same time) a complaint against the same attorney for alleged out-of-state misconduct. In addition, Mr. Thompson could have obtained the referee assignment system from the Florida Bar well before I dismissed his case on abstention grounds, and could have raised his jurisdictional argument in the proceeding before Judge Tunis. There was no fraud on the court, *see Zakrzewski v. McDonough*, 490 F.3d 1264, 1267 (11th Cir. 2007), and Mr. Thompson cannot use Rule 60(b) to raise arguments that he could have presented before dismissal, *see Rease v. AT&T Corp.*, 239 Fed.Appx. 481, 484 (11th Cir. 2007).

DONE and ORDERED in chambers in Miami, Florida, this 5th day of May, 2010.



Adalberto Jordan
United States District Judge

Copy to: All counsel of record & John Thompson, pro se